

Department of Planning and Development

Diane M. Sugimura, Director

CITY OF SEATTLE ANALYSIS AND RECOMMENDATION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number:	3011009					
Applicant Name:	Deborah Goodman, John Herbert Miller Consultant					
Address of Proposal:	2808 Fairview AVE E					
SUMMARY OF PROPOSED ACTIO	<u>DNS</u>					
Land Use Application to subdivide one parcel into 21 unit lots (Unit Lot Full Subdivision) in an environmentally critical area. Land Use Application to allow 21 townhouse units was approved under Project #3003172. The construction of 9 townhouse units has been approved under Project 6213307. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots.						
The following approval is required:						
Full Subdivision Recommendation	on – Chapter <u>23.22</u> Seattle Municipal Code.					
SEPA DETERMINATION: [] Exempt [X] DNS [] MDNS [] EIS						
[]	DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.					
RELATED PROJECTS						
Permit #3003172 Shoreline Substantial Development Permit to allow one, 4-story townhouse structure and six, 3-story townhouse structures for a total of 21 units in an environmentally critical area. Parking for 28 vehicles to be provided within the structures. Project includes 8,150 cubic yards of grading. Existing Structures to be removed.						
Permit #6213307 (Building F) Building permit to construct three-unit townhouse with attached garages was submitted on June 24, 2009. (Unit Lots P-R)						
Permit #6219547 (Building G)						

Building permit to construct three-unit townhouse with attached garage. (Unit Lots S-U)

Permit #6219548 (Building E)
Building permit to construct three-unit townhouse with attached garage. (Unit Lots M-O)

PROJECT DESCRIPTION

The applicant proposes to unit subdivide one existing development site into twenty-one (21) unit lots. The subdivision of property is only for the purpose of allowing sale or lease of the unit lots. All development standards, including street improvement requirements were reviewed and approved under the land use application (MUP 3003172). A Determination of Nonsignificance for the construction of 21 residential units was issued on November 5, 2007.

<u>Site</u>

The site slopes downward from east to west and has a maximum grade change of approximately 28 feet. Portions of the site are designated as an Environmentally Critical Area (steep slope, potential slide, liquefaction). An ECA exemption from steep slope development standards was granted for Land Use Application 3003172. There are several mature trees and other ornamental landscaping. Several structures remain on the lot and will be demolished with future development.

PUBLIC COMMENT

The public comment period ended July 25, 2010. No comment letters were received.

PROCEDURES FOR PRELIMINARY PLAT APPROVAL

Hearing Examiner Findings and Conclusions. The Land Use Code Section 23.76.024 requires that the Hearing Examiner conduct a public hearing on the unit subdivision application. At the same hearing, the Hearing Examiner will hear any appeals of the Director's environmental decision (SMC 23.76.052 A). The Hearing Examiner can approve the proposal if it is determined that the proposed plat makes appropriate provision for the public health; safety and general welfare; open spaces; drainage ways; streets, alleys, other public ways; water supplies; sanitary waste disposal; fire protection; parks; playgrounds; sites for schools and school grounds; and that the public use and interest will be served by the platting of the subdivision. If the Hearing Examiner determines that the proposed plat does not provide the appropriate elements or that the public use and interest will not be served, the proposed plat may be denied. After the hearing, the Hearing Examiner will make a decision that is final on the preliminary subdivision.

<u>Council Action.</u> The Council review process changed in March 1996, in response to regulatory reform legislation, and made the approval of preliminary plats or subdivisions a Hearing Examiner decision. A formal action to approve the final plat is still the responsibility of the City Council as provided by RCW <u>58.17</u>. However, the Council does not hold a public hearing for the purpose of accepting testimony. After the Hearing Examiner approves the preliminary plat, the Council reviews it for final plat approval.

<u>Analysis and Recommendation of the Director.</u> The Land Use Code (Section <u>23.76.023</u>) requires the Director of DPD to prepare a written report for a proposed preliminary plat. The Code calls for the Director's report to include the following:

The written recommendations or comments of any affected City departments and other governmental agencies having an interest in the application;

Responses to written comments submitted by interested citizens;

An evaluation of the proposal based on the standards and criteria for subdivisions contained in SMC Chapter 23.22;

All environmental documentation, including any checklist, EIS or DNS; and

The Director's recommendations to approve, approve with conditions, or deny the application.

The Director's report is submitted to the Hearing Examiner and made available for public review at least thirty (30) days prior to the Hearing Examiner's public hearing.

ANALYSIS – SUBDIVISION

The written recommendations or comments of any affected City departments and other governmental agencies having an interest in the application;

The following represent a summary of the comments received from each City Agency indicated in SMC 23.22.024. Information and documentation from each review agency is available in the DPD project file.

Seattle Department of Transportation

A Street Improvement Plan (SIP #87224) was reviewed and approved by SDOT for street improvements for Fairview Avenue East, East Hamlin Street and the alley for the portion of public rights-of-way adjacent to unit Lots M through U. Improvements within the rights of way include sidewalks, concrete stairs to individual units, drainage, utilities, and landscaping (Fairview will be developed as a green street in this location). A 30 Percent Complete Street Improvement Plan (SIP 178524) has been accepted by SDOT, for the remaining improvements on Fairview Avenue East and the alley adjacent to Unit Lots A through L.

SDOT has required that the plat be conditioned for ownership and maintenance of all alley retaining walls, including all walls within the alley rights-of-way, and portions of the alley retaining wall located on private property (Unit Lots D and E). The alley pavement will terminate with this development and there is no expectation that the alley will be extended beyond this development. Since the alley will be developed to exclusively meet the needs of access to the unit lots within this subdivision, SDOT will also require the development to own and maintain the paving within the alley right-of-way.

An Annual Street Use Permit with a recorded indemnity agreement will be required. This requirement shall be noted on the face of the final plat. Prior to final plat submittal to SDOT, 60 Percent Complete Street Improvement Plan Approval by SDOT will be required for SIP 178524. The hearing examiner's conditions on the preliminary plat shall be incorporated into the 60 percent SIP drawings and submitted to SDOT prior to final plat submittal.

A public storm drain line is located between Unit Lots F and G. A 12-foot wide public storm drain easement exclusive to Seattle Public Utilities is required. The 12-wide easement is shown and described on Sheet 3 of 11 of the Preliminary Plat. Declaration and Dedication language will be added to the face of the final plat. Specific language is discussed below and detailed in the conditions of approval at the end of this report. The specific language may be amended by SPU prior to final plat approval and this is noted in the condition.

Director of Public Health

Public Health sent the following comment. "Trees are an important part of the built environment and green infrastructure that positively affect population health in a number of ways. With the growing recognition that global warming leads to urban heat islands, trees can help ameliorate high ambient temperatures through the shade they provide. Trees are also a critical element of the pedestrian environment because they make a streetscape interesting and comfortable for pedestrians, which are two factors that make walking a desirable form of transportation and recreation. We recommend that threes be both planted and retained because of their linkages to community and environmental health. This project is across the street from Lake Union, a very environmentally damaged basin. Construction can cause debris and soil to enter the storm drainage system. Additional care should be taken to prevent any discharges to the stormwater. Further, the area of impervious surface is increased and thus the stormwater volumes will peak more rapidly. With the advent of West Nile Virus in Washington, stormwater drainage became a strormwater public health issue. For all these reasons, please pay attention to grading and adequately sized stormwater conveyances. Refer to Street Improvement Plans for drainage and landscaping requirements within the right-of-way and MUP plans for 3003172 for tree preservation and landscaping required on the development site.

Superintendent of City Light

City Light has reviewed the unit lot subdivision and requires an easement. The easement is described on Sheet 1 of 7 of the preliminary plat.

Director of Housing

The Director of Housing has given approval of the subdivision with no suggested conditions.

Superintendent of Parks and Recreation

Parks noted that the proposed development is not adjacent to Fairview Park and has little or no impact on operation of the facility and had no further comment.

Director of Seattle Public Utilities

A Water Availability Certificate (WAC) ID No. 20100293 was issued on June 10, 2010. As indicated under the Water Service Requirements one domestic water meter is allowed to serve one legal parcel. A subdivision must be approved with addresses assigned prior to ordering additional water service. At this time the original WAC has expired. Therefore prior to submittal of the final plat documents to SDOT a new valid WAC will be required.

A public storm drain line is located between Unit Lots F and G. A 12-foot wide public storm drain easement exclusive to Seattle Public Utilities is required. The 12-wide easement is shown and described on Sheet 3 of 11 of the Preliminary Plat. Declaration and Dedication, and Conditions of the Public Utility Easement language will be added to the face of the final plat. Specific language, as provided by Seattle Public Utilities is detailed in the conditions of approval at the end of this report.

Fire Department

Captain Smalls has given approval of the proposed unit lot subdivision with no conditions.

Seattle Metropolitan Services

Gary Kriedt, Senior Environmental Planner at King County Metro has reviewed the plat and has no comment.

Structural / Ordinance Review (DPD)

The DPD ordinance structural reviewer has given approval with no conditions.

Drainage Review (DPD)

The DPD drainage reviewer has given approval with no conditions.

Responses to written comments submitted by interested citizens.

The Department did not receive any written comments during the notice of application.

An evaluation of the proposal based on the standards and criteria for subdivisions contained in SMC Chapter **23.22**.

Dedications Required

SMC 23.22.052A Every subdivision shall include adequate provision for dedication of drainage ways, streets, alleys, pedestrian access and circulation, easements, slope rights, parks and other public open spaces for general purposes as may be required to protect the public health, safety and welfare.

No dedications are required as part of this unit lot subdivision.

SMC 23.22.052B Protective improvements and easements to maintain the improvements shall be dedicated at the discretion of the City.

A 12-foot wide public storm drain easement exclusive to Seattle Public Utilities is shown and described on Sheet 3 of 11 of the Preliminary Plat. Legislation for securing the drainage easement will occur with final plat approval. The development will be required to own and maintain alley retaining walls and pavement. However, no dedications are required.

SMC 23.22.052C Sidewalks shall be provided on dedicated streets, and must be convenient for pedestrians and contiguous to each other and to any private sidewalks within the subdivision and to the existing sidewalks contiguous to the subdivision.

There are no dedicated streets within the subdivision. The 21 unit lots all front Fairview Avenue East. New sidewalks will be constructed on both Fairview Avenue East and East Hamlin Street adjacent to the subdivision. New sidewalks are contiguous to existing sidewalks located within both Fairview Avenue East and East Hamlin Street.

SMC.22.052D Vehicular access to every lot shall be from a dedicated street, unless the Director determines that the following conditions exist, and permits access by a permanent private easement.

Unit Lots A through E will have vehicular access from Fairview Avenue East. Unit Lots A, B and C will have separate curbcuts providing access to each unit. Unit Lots D and E will share a single curbcut. Unit Lots F through U will have vehicular access from the improved alley.

DPD does not recommend any further dedications or easements. Private easements for vehicular ingress and egress, pedestrian access, and utilities are adequate and the public interest served.

Public Use and Interest

Pursuant to SMC <u>23.22.054</u>, the decision maker must consider all relevant facts to determine whether the public use and interest will be served by the proposed full unit lot subdivision. Additionally, the proposed plat must make appropriate provision for the public health, safety and general welfare by providing for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary waste disposal, fire protection, parks, playgrounds, and safe access to and sites for schools.

DPD recommends the Hearing Examiner finds that the proposed unit lot subdivision serves the use and public interest by allowing separate ownership of individual units in one structure that otherwise would be owned by one party and might otherwise be available on a rental only basis or as condominium units with adequate provisions for the access and maintenance of joint facilities.

DPD recommends the Hearing Examiner finds that the proposed unit lot subdivision makes appropriate provisions for the public health, safety and general welfare, public ways, and planning features based on comments received from relevant City Departments and outside agencies; review of approved permits 3003172 for development of 21 townhouse units and 6213307 for construction of nine townhouse units (Unit Lots M through U), review of the Street Improvement Plans, and the submitted preliminary plat with identified easements.

Flood Control Zone

No plat shall be approved by the Hearing Examiner covering and land situated in a flood control zone.

The development site is not mapped as Flood Prone.

Environmentally Critical Areas

No plat shall be approved by the Hearing Examiner covering and land situated in a riparian corridor, wetland and wetland buffer, or steep slope and steep slope buffer unless in compliance with the applicable provisions of Section 25.09.240 Short Subdivisions and subdivisions, in environmentally critical areas.

SMC 25.09.240 excludes unit lot subdivisions.

<u>Transportation Concurrency Level-of-Service Standards</u>

Proposed subdivisions shall meet the transportation concurrency level-of-service standards prescribed in Chapter 23.52.

Transportation concurrency is not applicable. The proposed unit lot subdivision allows separate ownership of individual units in one structure that otherwise would be owned by one party and might otherwise be available on a rental only basis or as condominium units. Townhouse development, including transportation impacts, was reviewed under land use permit 3003172.

Unit Lot Subdivisions

SMC 23.22.062A The provisions of this Section 23.22.062 apply exclusively to the unit subdivision of land for townhouse, rowhouse, and cottage housing developments, as permitted in Single-Family, Residential Small Lot and Lowrise zones, and for single-family dwelling units in Lowrise zones, or any combination of the above types of residential development, as permitted in the applicable zones.

The proposal is for the unit subdivision of land for townhouses as permitted in a Lowrise zone.

SMC 23.22.062B Except for any site for which a permit has been issued pursuant to Section 23.44.041 for a detached accessory dwelling unit, sites developed or proposed to be developed with dwelling units listed in subsection A above may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.

This site may be subdivided into individual unit lots. Development as a whole meets development standards applicable at the time the permit was vested. The development of 21 townhouse units was reviewed and approved under land use permit 3003172. Building permit 6213307 approved the construction of nine townhouse units on Unit Lots M through U. Open space has been provided on the same unit lot as the dwelling unit it serves.

SMC 23.22.062C Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.

This has been noted on the face of the preliminary plat.

SMC 23.22.062D Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard open spaces for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.

This proposal provides the required easements. Prior to submittal of the final plat the Applicant shall submit to DPD for review and approval Covenants which allocate responsibility for maintenance and repair of common walls built on the property line; the portions of the utility systems serving more than one unit lot; the exterior siding, trim, windows and doors on the buildings that cross unit lot lines; and, the ingress and egress easement, pedestrian easements, and alley retaining walls. These CCRs shall be reviewed and approved by DPD and then recorded at King County prior to submittal of the final plat documents. The recording number shall be shown on the face of the plat.

SMC 23.22.062E Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use the parking is formalized by an easement on the plat, as recorded with the Director of the King County Department of Records and Elections.

Parking is provided on each of the unit lots it serves. No parking easements are required.

SMC 23.22.062F The fact that the unit lot is not a separate buildable lot and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recoded with the King County Department f Records and Elections.

This has been noted on the preliminary plat documents.

All environmental documentation, including any checklist, EIS or DNS; and Environmental documentation will be provided to the Hearing Examiner and is part of the public record.

The Director's recommendation to approve, approves with conditions, or denies the application.

See below.

RECOMMENDATION – SUBDIVISION

DPD Recommends <u>approval</u> of the preliminary subdivision application with conditions. The following conditions must be completed prior to final plat approval and need not be notated on the final plat documents unless specifically identified to be shown on the plat.

CONDITIONS PRIOR TO FINAL PLAT APPROVAL:

- 1. Constructed alley retaining walls located within the alley right-of-way including alley retaining walls on Unit Lots D and E, and paving within the alley right-of-way are to be privately owned and maintained by the development. An Annual Street Use Permit with a recorded indemnity agreement will be required.
- 2. Prior to final plat submittal, 60 Percent Complete Street Improvement Plan Approval by SDOT will be required for SIP 178524. This plan shall incorporate the Hearing Examiners conditions on the preliminary plat.
- 3. Include with the final plat map submittal a valid Water Availability Certificate from Seattle Public Utilities for the subdivision.
- 4. A 12-foot wide public storm drain easement exclusive to Seattle Public Utilities is required. Legislation for securing the drainage easement will occur with final plat approval.
- 5. Include with the final plat map submittal draft covenants that allocate responsibility for maintenance and repair of common walls built on the unit lot lines; the portion of the utility systems serving more than one unit lot; the exterior siding, trim, windows and doors on the buildings that cross unit lot lines' and the ingress and egress easement, pedestrian easements, and alley retaining walls and paving. The covenants must be approved by DPD prior to recording.

- 6. Note in the covenants that under the Seattle Land Use Code "subsequent platting actions, additions or modifications to the structure(s) may not create or increase any non-conformity of the parent lot" (SMC 23.22.062C) and "the unit lot is not a separate buildable lot, and additional development of the individual unit may be limited as a result of the application of development standards to the parent lot" (SMC 23.33.062F).
- 7. Prior to final plat approval, record the approved covenants with the King County Department of Records and Elections and provide the recording number on the final plat plan.
- 8. Note on the face of the final plat map the following: "Each unit lot is not a separate buildable lot, and additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot."
- 9. Note on the face of the final plat map the following: "Alley retaining walls located within the alley right-of-way and on Unit Lots D and E, and paving within the alley right-of-way are to be privately owned and maintained by the development. An Annual Street Use Permit with a recorded indemnity agreement will be required."
- 10. Note on the face of the final plat map the following language or as amended by Seattle Public Utilities:

DECLARATION & DEDICATION:

KNOW ALL MEN BY THESE PRESENTS, THAT

("GRANTOR"), OWNER IN FEE SIMPLE OF THE LAND HEREBY PLATTED, HEREBY DECLARES THIS PLAT AND DEDICATES TO THE USE OF THE PUBLIC FOREVER THE PUBLIC STORM DRAIN UTILITY EASEMENT (THE "EASEMENT") SHOWN HEREON AND THE USE THEREOF FOR ANY AND ALL PUBLIC STORM DRAIN UTILITY PURPOSES NOT INCONSISTENT WITH USE THEREOF FOR PUBLIC STORM DRAIN UTILITY PURPOSES. THE EASEMENT DEDICATED HEREBY IS GRANTED OVER, UNDER AND UPON THE EASEMENT AREA SHOWN ON THIS PLAT TO INSTALL, REPAIR, REPLACE AND OPERATE PUBLIC STORM DRAIN UTILITY FACILITIES TOGETHER WITH ALL APPURTENANCES THERETO FOR THE BENEFIT OF ALL THE LOTS SHOWN HEREON, TOGETHER WITH THE RIGHT TO ENTER UPON SAID EASEMENT AT ALL TIMES FOR THE PURPOSES STATED (THE "PURPOSES").

PUBLIC STORM DRAIN UTILITY EASEMENT:

GRANTOR, ITS SUCCESSORS AND ASSIGNS HEREBY AGREES TO THE HEREIN DEDICATED PUBLIC STORM DRAIN UTILITY EASEMENT TERMS AND CONDITIONS, AND SPECIFICALLY GRANTS TO THE CITY OF SEATTLE, ITS EMPLOYEES, AGENTS, INVITEES SUCCESSORS AND ASSIGNS THE RIGHT, PRIVILEGE AND AUTHORITY AS FOLLOWS:

- TO INSTALL, CONSTRUCT, RECONSTRUCT, ALTER, IMPROVE, REPAIR, OPERATE AND MAINTAIN PUBLIC STORM DRAIN UTILITY FACILITIES AND RELATED APPURTENANCES, UNDER AND UPON THE 12-FOOT WIDE PUBLIC STORM DRAIN UTILITY EASEMENT SHOWN ON THE PLAT (THE "EASEMENT"). THE CITY SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF SAID FACILITIES AND APPURTENANCES.
- 2. TO ENTER UPON SAID EASEMENT FOR THE PURPOSES HEREIN DESCRIBED, WITHOUT PRIOR INSTITUTION OF ANY SUIT OR PROCEEDING AT LAW, AT SUCH TIMES AS MAY BE NECESSARY WITHOUT INCURRING ANY LEGAL OBLIGATION OR LIABILITY THEREFOR, AND THE CITY SHALL NOT BE RESPONSIBLE FOR THE RESTORATION OF REPAIR OF ANY GRANTOR'S IMPROVEMENTS DESTROYED OR DAMAGED BY AFORESAID PUBLIC UTILITY FACILITIES, EXCEPT THAT WHERE EXCAVATION IS REQUIRED IN PAVED AREAS, THE CITY SHALL BACKFILL AND RESTORE THE AREA USING STANDARD CITY/COUNTY PATCHING PROCEDUE PER THE THEN CURRENT CITY OF SEATTLE STANDARS PLAN & SPECIFICATIONS MANUAL. GRANTOR SHALL BE RESPONSIBLE FOR ALL OTHER RESTORATION.
- 3. GRANTOR, ITS SUCCESSORS AND ASSIGNS AGREE NO BUILDING, FENCE, WALL, ROCKERY, TREES, SHRUBBERY OR OBSTRUCTION OF ANY KIND SHALL BE ERECTED OR PLANTED, OR ANY FILL MATERIAL PLACED WITHIN THE BOUNDARIES OF SAID EASEMENT AREA WITHOUT WRITTEN PERMISSION OF THE CITY OF SEATTLE'S DIRECTOR OF SEATTLE PUBLIC UTILITIES. NO EXCAVATION SHALL BE MADE WITHIN THREE FEET OF SAID PUBLIC STORM DRAIN UTILITY FACILITIES.
- 4. GRANTOR, ITS SUCCESSORS AND ASSIGNS AGREE NO OTHER UTILITY FACILITIES, SUCH AS CONDUITS, CABLES, PIPELINES, VAULTS, POLES, POSTS, WHETER PUBLIC OR PRIVATE WILL BE INSTALLED WITHIN FIVE (5) HORIZONTAL FEET OF PUBLIC STORM DRAIN UTILITY PIPELINES. ALL CROSSINGS MUST MAINTAIN A MINIMUM VERTICAL CLEARANCE OF 12 INCHES FROM SAID PUBLIC STORM DRAIN UTILITY PIPELINES. SEWER CROSSINGS MUST MAINTAIN A MINIMUM VERTICAL CLEARANCE OF 18 INCHES FROM SAID PUBLIC STORM DRAIN FACILITIES.
- 5. GRANTOR, ITS SUCCESSORS AND ASSIGNS AGREE NO VEHICULAR PARKING OR STORAGE OF MATERIALS OVER SAID EASEMENT WILL BE ALLOWED. VEHICHLES OR MATERIAL MAY BE MOVED OR IMPOUNDED AT THE EXPENSE OF OWNER AND THE CITY SHALL BE HELD HARMLESS FROM ANY DAMAGE TO SAID VEHICLE OR MATERIAL.
- 6. IN AN EMERGENCY THE CITY OF SEATTLE SHALL HAVE THE RIGHT TO CLOSE THE EASEMENT AREA AND TO CUT INTO EASEMENT WITHOUT PRIOR NOTICE.
- 7. GRANTOR, ITS SUCCESSORS AND ASSIGNS WAIVE ANY PRESENT OR FUTURE CLAIM AGAINST THE CITY RELATING TO HAZARDOUS SUBSTANCES, POLLUTANTS, OR CONTAMINANTS, AND SHALL INDEMNIFY AND DEFEND THE CITY FROM ANY SUC H CLAIM, INCLUDING ENFORCEMENT ACTION BY A REGULATORY AGENCY, UNLESS THE HAZARDOUS SUBSTANCES, POLLUTANTS OR CONTAMINANTS RESULT FROM THE CITY'S OPERATIONS.
- 8. GRANTOR, ITS SUCCESSORS AND ASSIGNS SHALL HAVE THE RIGHT TO USE SAID PROPERTY IN ANYWAY AND FOR ANY OTHER LEGAL PURPOSE NOT INCONSISTENT WITH THE RIGHTS HEREIN GRANTED
- 9. THIS AGREEMENT AND EACH OF THE TERMS, PROVISIONS, CONDITIONS AND COVENANT HEREIN, SHALL BE BINDING UPON AND INURE TO THE BENEFIT OF THE PARTIES HERETO AND THEIR RESPECTIVE HEIRS, SUCCESSORS AND ASSIGNS.

ANALYSIS - SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this unit lot subdivision was made in the environmental checklist submitted by the applicant dated May 6, 2010. The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant, reviewed the project plans, and any additional information in the file. As indicated in the checklist, this action will not result in short term or long term adverse impacts to the environment. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Short term and long term impacts associated with the construction of the townhouse units were analyzed and a Determination of Nonsignificance was issued under Land Use Application 3003172. No further conditioning of the proposed full unit lot subdivision is required.

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW <u>43.21C</u>), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X]	Determination of Non-Significance. DPD has determined that this proposal does not
	have a significant adverse impact upon the environment. An EIS is not required under
	RCW <u>43.21C.030(2)(C)</u> .

.]	Determination of Significance.	This proposal has or may have a significant adverse
	impact upon the environment.	An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS – SEPA

Signature: (signature on file)

Date: January 17, 2013

Stephanie Haines, Senior Land Use Planner Department of Planning and Development

None.